

Application No. 10/737,252
Amendment dated September 28, 2007
After Final Office Action of May 30, 2007

Docket No.: ALEX-P02-077

REMARKS

Claim 9 has been amended solely for greater clarity. Support for the amendments can be found throughout the specification (e.g., Example 6 on pages 50-54). No new matter has been introduced and no new issue has been raised. The amendments have been made solely to expedite prosecution of the application. Applicants reserve the right to pursue claims of similar or differing scope in the future.

Applicants note with appreciation that the Examiner has entered Applicants' Amendment filed on August 24, 2007.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

Information Disclosure Statements

As an initial matter, Applicants note that Information Disclosure Statements (IDSs) were submitted on September 15, 2004, April 18, 2006, and July 10, 2006. However, the Examiner has not initialed and returned these IDSs. Applicants respectfully request the Examiner to consider, initial, and return these IDSs.

Election/Restriction

Applicants note that the Examiner has included new claim 12 in the elected invention.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 9 and 11 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Moreno de Alboran et al. Applicants respectfully traverse the rejection.

Applicants reiterate the arguments already made of record and contend that Moreno de Alboran et al. fail to satisfy the criteria for anticipating the present invention. Moreno de Alboran et al. describe a method of making an IgA library which involves a PCR amplification step using two primers (see, e.g., page 22, right column, lines 25-36; page 24, right column, lines 3-13), which was known in the art to result in a biased library as different antibodies have slightly different sequences.

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By contrast, independent claim 9 as amended relates to a library of IgA antibodies prepared by a method which comprises a step of amplifying the extended polynucleotides using only a single primer, wherein the single primer has the predetermined sequence (i.e., step (g)). The recited method would result in an improved library as compared to the method of Moreno de Alboran et al. In preparing the claimed library, a predetermined sequence is artificially added to the 5' end of all the polynucleotides to be amplified and a sequence that is complementary to the predetermined sequence is added to the 3' end of all the polynucleotides to be amplified. Since all the modified polynucleotides are subsequently amplified using only a **single** primer (see, e.g., Figure 6; and the paragraph bridging pages 16 and 17), all of the different polynucleotides (e.g., encoding IgA) are amplified without bias, yielding an **improved** library which is clearly distinguishable from the library of Moreno de Alboran et al.

The Examiner asserts that "the amendment does not limit the amplification procedure to the use of only a single primer. The proposed amendment only would limit a single primer to being of the predetermined sequence, but does not exclude the second primer being used, as in the prior art." See Advisory Action, page 2.

Solely to expedite prosecution of the application, Applicants have amended step (g) of claim 9 to recite "amplifying the extended polynucleotides using only a single primer, wherein the single primer has the predetermined sequence." Applicants believe that the amendment makes it clear that the amplification procedure involves the use of only a single primer, thereby obviating the rejections.

In sum, Moreno de Alboran et al. do not teach all the elements of independent claim 9 and fail to anticipate claim 9. For the same reasons, Applicants submit that all claims depending from claim 9 are not anticipated by Moreno de Alboran et al. Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b).

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CONCLUSION

In view of the above remarks, Applicants believe that the pending application is in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an additional fee be required, please charge our Deposit Account No. 18-1945, under Order No. ALEX-P02-077.

Dated: September 28, 2007

Respectfully submitted,

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